

8/15/13 Attleboro Meeting

Name

Phone/email

Toni Bandrowicz EPA legal

617 918 1734

bandrowicz-toni@epa.gov

Ken Rota

EPA technical

617-918-1751

rota.ken@epa.gov

Neil Handler EPA, SER

617-918-1334

handler.neil@epa.gov

Christine Millhouse

City of Attleboro

774 203 1850

water@cityofattleboro.us

Kevin J. Dumas

City of Attleboro

(508) 203-2000 X3001

maps@cityofattleboro.us

Robert Mangiaratti City Solicitor (617) 429 5000

rmangiaratti@

mhti.com

1. 10/1/10

2. 10/1/10

3. 10/1/10

4. 10/1/10

5. 10/1/10

6. 10/1/10

7. 10/1/10

8. 10/1/10

9. 10/1/10

10. 10/1/10

11. 10/1/10

12. 10/1/10

13. 10/1/10

14. 10/1/10

15. 10/1/10

16. 10/1/10

17. 10/1/10

18. 10/1/10

19. 10/1/10

20. 10/1/10

21. 10/1/10

22. 10/1/10

23. 10/1/10

CITY OF ATTLEBORO LOCAL LIMITS

Parameter/Pollutant	Local Limit
Pollutant	Limit (mg/l)
pH(standard units)	5.5 to 9.5
Temperature (F/C)	100/40
Fats, Wax, Grease, Oils	100
Petroleum, Oil, & Grease	15.0
Biological Oxygen Demand (BOD)	600
Chemical Oxygen Demand (COD)	900
Total Kjeldahl Nitrogen (TKN)	691
Total Suspended Solids (TSS)	200
Settleable Solids (ml/L)	10.0
Aluminum	1.30
Cadmium	0.031
Chromium (Total)	1.71
Copper	0.77
Lead	0.052
Mercury	0.00055
Nickel	1.80
Selenium	0.34
Silver	0.15
Thallium	1.88
Zinc	1.48
Cyanide (Total)	0.38
Phenol	18.0
TTO	2.13
Arsenic	monitor

Notes: * All concentrations in mg/L, except as noted.

** Pollutants refer to elemental forms, if discharged as a constituent of a complex chemical.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

BY HAND

JUN 3 - 2014

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: In the Matter of City of Attleboro, Massachusetts
Docket No. Docket No. CWA-01-2013-0033

Dear Ms. Santiago:

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) enclosed please find a fully executed Consent Agreement and Final Order resolving the above-referenced case.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, which appears to read "Tonia Bandrowicz", is written over the typed name.

Tonia Bandrowicz,
Senior Enforcement Counsel
U.S. EPA

Enclosure

cc: Karis L. North
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive
Quincy, MA 02169

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Letter to the Regional Judicial Officer has been sent to the following persons in the manner and on the date specified below.

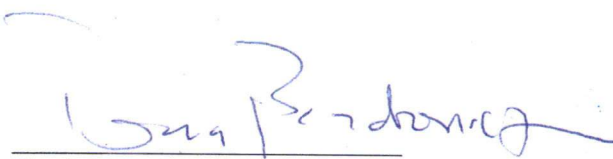
Original and one copy,
hand-delivered:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by Certified Mail,
Return Receipt Requested,
with copy of 40 C.F.R. Part 22:

Karis L. North, Esq.
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive
Quincy, MA 02169

Dated: 5/29/14



Tonia Bandrowicz
Senior Enforcement Counsel
U.S. EPA, Region I (OES 04-03)
5 Post Office Square, Suite 100
Boston, MA 02114-2023



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

May 29, 2014

LeAnn Jenson,
Regional Judicial Officer
U.S. EPA - Region I
5 Post Office Square, Suite 100
Mail Code ORA 18-1
Boston, MA 02109-3912

Re: In the Matter of City of Attleboro, Massachusetts
Docket No. Docket No. CWA-01-2013-0033

Dear Ms. Jenson:

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), enclosed please find a Consent Agreement and Final Order that will simultaneously commence and settle the above-referenced action brought under the Clean Water Act. The Consent Agreement has been signed by the parties and public noticed as required by 40 C.F.R. § 22.45. As no public comments were received, the document is now being submitted for approval and issuance of the Final Order.

The settlement penalty in this matter is consistent with EPA's Clean Water Act civil penalty policy which is based on the statutory penalty factors set forth in Section 309(g)(3) of the Clean Water Act, 33 U.S.C. § 1319(g)(3).

If the Consent Agreement and Final Order is approved, EPA will file the fully executed document with the Regional Hearing Clerk thereby resolving this matter.

Respectfully submitted,

Tonia Bandrowicz
Counsel for Complainant
U.S. EPA

cc: Karis North, Murphy, Hesse, Toomey & Lehane, LLP



U.S. Environmental Protection Agency
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

Re: **In the Matter of City of Attleboro, Massachusetts**
Docket No. Docket No. CWA-01-2013-0033

ROUTING TO:

	Name:	Initials:	Date:
1.	Neil Handler	NH	4/9/14
2.	Edie Goldman	EG - no sign	4/9/14
3.	Susan Studlien	SL	4-10-14
4.			
5.			
8.			
9.			

REMARKS:

The City of Attleboro, MA has agreed to pay a \$32,000 fine for alleged violation of the CWA under this pre-negotiated settlement. The EPA action stems from a May 2013 inspection in which it was discovered that Attleboro was illegally discharging effluent containing pollutants from its Drinking Water Treatment Facility through the storm drain system to Orr's Pond.

The enclosed Consent Agreement and Final Order will simultaneously commence and settle the above-referenced action. Due to CWA requirements, once the Consent Agreement is signed in OES, it will be public noticed for 30 days, after which it will be presented to the Reg. Judicial Officer for signature of the Final Order.

FROM:

Name:	Phone Number:
Case Attorney Tonia Bandrowicz	617-918-1734
PLEASE RETURN TO Toni Bandrowicz	



United States Environmental Protection Agency
Region I – New England
5 Post Office Square - Suite 100
Boston, MA 02109-3912

MAR 14 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Honorable Kevin J. Dumas
City of Attleboro, Massachusetts
Attleboro City Hall
77 Park Street
Attleboro, MA 02703

RE: Administrative Order Docket No. 10-013
Compliance Schedule Modification

Dear Mayor Dumas:

On June 21, 2010, the US Environmental Protection Agency ("EPA") issued the City of Attleboro ("City") the above-referenced Administrative Order ("Order"), requiring, among other things, that the City develop, construct, and test a full-scale pilot system for the removal of nitrogen at the City's wastewater treatment plant ("WWTF"). EPA has reviewed the 2013 pilot plant performance summary report, submitted to EPA on February 28, 2014 ("2013 Summary Report"). In this report, the City summarizes plant performance over the past two years of pilot testing and describes additional testing of the nitrogen removal system that the City would like to perform over the next two seasons to address limitations to the pilot testing conducted to date.

According to the report, high loadings of ammonia from a local industry adversely impacted the performance of the pilot system during significant periods of testing over the past two seasons. While the data showed that system performance was sufficient to meet the final permit limits during the periods of operations not impacted by the industry source, the City is requesting an extension of the interim limits for total nitrogen to allow for additional testing of the system during colder weather and under stressed conditions, such as when all treatment equipment is not available.

Based on our review, EPA is granting this request and modifying the Order as follows:

1. By December 31, 2014, the City shall submit to EPA and the Massachusetts Department of Environmental Protection ("MassDEP") a report assessing the full-scale pilot plant operations during the 2014 nutrient removal season and its ability to achieve nitrogen removal and maintain compliance with the 8 milligram/liter total nitrogen monthly average concentration limit contained in the NPDES Permit ("2014 Report"). If the City determines that the continued implementation of the full-scale pilot will result in compliance with the total nitrogen limits contained in its NPDES Permit, it shall implement the 2015 capital improvements described in the 2013 Summary Report. If the City determines that continued implementation of the full-scale pilot will not result in compliance with the total nitrogen limits contained in its NPDES Permit, the 2014 Report shall include a plan to comply with the limits contained in the NPDES Permit.

2. By December 31, 2015, the City shall submit a final report to the EPA and MassDEP summarizing the results of the WWTF pilot program and the effectiveness of any additional modifications made to the system.
3. The City shall, at a minimum, comply with the monitoring requirements and interim effluent limitations for total nitrogen in Attachment 1 of the Order until the earliest of:
(a) May 1, 2016; (b) EPA modifies the interim limit based on full-scale pilot plant operations; or (c) the date, if any, that EPA determines that the City has not complied with any portion of the Order or this Modification, at which time the limits in the NPDES permit become effective.

The City shall also comply with all other effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit and the Order not addressed by this Modification. It is Attleboro's obligation to properly operate and maintain its WWTF at all times.

Please contact David Turin at (617) 918-1598 or turin.david@epa.gov, or have your attorney contact Toni Bandrowicz at (617) 918-1734, if you have any questions.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

CC: Paul Kennedy, Wastewater Superintendent, Attleboro
David Burns, MassDEP
✓ Toni Bandrowicz, EPA

News Release
U.S. Environmental Protection Agency
New England Office
[DATE]

Contact Information: Dave Deegan 1-617-918-1017

Massachusetts City Agrees to Settle EPA Penalty Action for Clean Water Act Violations

(Boston, Mass. – **DATE**) The City of Attleboro, MA has agreed to pay a \$32,000 fine under the terms of a recent settlement agreement with the New England Office of the EPA for alleged violation of the Clean Water Act. The EPA action stems from a May 2013 inspection in which it was discovered that Attleboro was illegally discharging effluent from its Russell F. Tennant Water Treatment Facility located at 1296 West Street (the Facility). The discharge was from the Facility's water treatment process tanks and contained aluminum among other pollutants. As part of the treatment process, the Facility adds certain chemicals, including the coagulant polyaluminum chloride (PAC), to the water. The effluent from that process is normally sent to the City's waste water treatment plant. Once a year, the water treatment facility cleans out its pretreatment basins. EPA inspectors discovered that the pretreatment basins were being cleaned at the time of their inspection and that a fire hose connected to one of the Facility's pretreatment tanks was discharging the effluent directly to a storm drain system and retention pond and, from there, through a pipe to Orr's Pond, the City's drinking water supply.

Under the federal Clean Water Act, all facilities that discharge pollutants from any point source into waters of the United States are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. The permit ensures that there are enough controls in place to make sure the discharge is safe and that humans and aquatic life are being protected. The Facility did not have a NPDES permit for its discharge.

The discharge of the effluent from the Facility's water treatment plant directly to the City's storm system is also a violation of the prohibition against non-storm water connections to the storm system contained in the City's storm water management ordinance.

The discharge to the storm system was stopped and the effluent is now sent to the wastewater treatment plant.

MURPHY, HESSE, TOOMEY & LEHANE, LLP
Attorneys At Law

CROWN COLONY PLAZA
300 CROWN COLONY DRIVE
SUITE 410
QUINCY, MA 02169

75-101 FEDERAL STREET
BOSTON, MA 02110

ONE MONARCH PLACE
SUITE 1310R
SPRINGFIELD, MA 01144

TEL: 617-479-5000 FAX: 617-479-6469
TOLL FREE: 888-841-4850

www.mhtl.com

Arthur P. Murphy
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Katherine A. Hesse
Michael C. Lehane
John P. Flynn
Regina Williams Tate
Edward F. Lenox, Jr.
Mary Ellen Sowyrda
David A. DeLuca
Donald L. Graham
Andrew J. Waugh
Geoffrey P. Wermuth
Robert S. Mangiaratti
Kathryn M. Murphy
Alisia St. Florian

Doris R. MacKenzie Ehrens
Lorna M. Hebert
Clifford R. Rhodes, Jr.
Karis L. North
Thomas W. Colomb
Bryan R. Le Blanc
Brandon H. Moss
Michael J. Maccaro
Kevin F. Bresnahan
Kathleen Y. Ciampoli
Brian P. Fox
Lauren C. Galvin
Tami L. Fay
Kier B. Wachterhauser
Sarah A. Catignani

Ann M. O'Neill, Sr. Counsel

Please respond to Quincy

April 7, 2014

OVERNIGHT MAIL

Tonia Bandrowicz, Esq.
Senior Enforcement Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code OES 04-3
Boston, MA 02109

**Re: Administrative Consent Agreement with EPA concerning the Attleboro Water
Department**

Dear Attorney Bandrowicz,

Enclosed please find two originals of the above document. Please sign them and return one signed original to me at your convenience. I have enclosed a self-addressed stamped envelope for use.

Feel free to contact me if you have any questions.

Sincerely,


Karis L. North

Office of the City Solicitor

KLN/nv

Enclosures

782684v1

CASE SCREENING REQUEST

Facility Name: City of Attleboro MA

Facility Address: _____

Requestor: Toni Bandrowicz OTIS ATTACHED

PROGRAM	RESPONDENT	RESPONSE	DATE
EPCRA 313	MARYJANE O'DONNELL		
EPCRA N-313	MARYJANE O'DONNELL		
FIFRA	SHARON HAYES	<i>0</i>	
TSCA CORE	SHARON HAYES	<i>0</i>	
TSCA PCB	SHARON HAYES	<i>0</i>	
CAA	STEVE RAPP	<i>0</i>	
NPDES*	<i>George Harding</i>	<i>CWA action</i>	
PRETREATMENT	NEIL HANDLER		
SDWA	NEIL HANDLER		
RCRA	LISA PAPETTI	<i>0</i>	
OUST	ANDREA BELAND		
SPCC	JOE CANZANO		
WETLANDS	DENISE LEONARD <i>C. Kelorde</i>	<i>0</i>	
SUPERFUND	ARTHUR MARI	<i>attached</i>	
SUPERFUND REMOVALS	ARTHUR MARI	<i>\</i>	

ME: Alex Rosenberg

MA: George Harding : (Eastern MA)

NH: Joy Hilton

MA: Doug Koopman: (Central MA)

VT: Denny Dart

MA: Denny Dart: (Western MA)

RI: David Turin

CT: Neil Handler

Case Screening Request, Version 1.1, Approved

Document No.1, 1/13/11



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Enforcement Case Report

[Report a General Error](#)[Data Dictionary](#)

For Public Release - Unrestricted Dissemination. Report Generated on 08/13/13
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

[Data Dictionary](#)

Case Number:	01-2010-2011	Headquarters Division:	
Case Name:	ATTLEBORO WPCF	Branch:	No Data
Case Type:	Administrative - Formal	Result of Voluntary Disclosure?	No
Case Status:	Final Order Issued	Multi-media Case?	No
Regional Docket Number:	No Data	Enforcement Type:	CWA 309A AO For Compliance
Relief Sought:	Injunctive Relief	Violations:	Violation Of A Permit Requirement
Enforcement Outcome:	Final Order No Penalty		

Penalties:

Total Federal Penalty Assessed or Agreed To	Total State/Local Penalty Assessed	Total SEP Cost	Total Compliance Action Cost	Total Cost Recovery
			\$500,000	

Case Summary:

[Data Dictionary](#)

On June 21, 2010, EPA issued a CWA administrative order to the City of Attleboro, MA for violations of effluent limits in its NPDES permit and for discharges of untreated sewage from its collection system other than its permitted outfall.

Laws and Sections:

Law	Sections	Programs
CWA	301/402	NPDES - Base Program (Limits, Reporting, Schedule)

Citations:

Title	Part	Section
40 CFR	122.1	

Program Links:

FRS Number	Program	Program ID
110000552651	NPDES	MA0100595

Facilities:

[Data Dictionary](#)

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000552651	ATTLEBORO WPCF	27 POND STREET NORTH FACILITY	ATTLEBORO	MA	02703	4952	

Defendants:

[Data Dictionary](#)

Defendant Name	Named in Complaint	Named in Settlement
ATTLEBORO WPCF	NA	Y

Case Milestones:

[Data Dictionary](#)

Event	Actual Date
Enforcement Action Data Entered	10/15/2009
Final Order Issued	06/21/2010

Case Attorneys and Contacts:

[Data Dictionary](#)

Role	Name	Phone
Lead EPA Attorney	GOLDMAN, Edie	OFF:(617)-918-1866
Lead Technical Contact	HILTON, Joy	OFF:(617)-918-1877

Pollutants:

[Data Dictionary](#)

Pollutant Name	Chemical Abstract Number
Nitrogen	7727379

Related Activities:

[Data Dictionary](#)

Description	Actual Date
No Data Records Returned	

[Data Dictionary](#)

Enforcement Conclusion

1

Enforcement Conclusion Type:	Administrative Compliance Orders
Enforcement Conclusion Name:	ATTLEBORO WPCF
Facilities in Settlement (FRS ID):	110000552651
Settlement Entered Date:	06/21/2010
Settlement Lodged Date:	

Enforcement Conclusion Dollar Amounts:

Federal Penalty Assessed or Agreed To	State/Local Penalty Assessed	SEP Cost	Compliance Action Cost	Cost Recovery
			\$500,000	

Pollutant Reductions:

Pollutant	Annual Amount	Units	Media	SEP or Comp
Nitrogen, Total as NO3 + NH3	194,822	PND5YR	SWT	C

Improvements in Reporting:

Pollutant	Average Annual Value	Units	Media
No Data Records Returned			

Complying Actions:

Complying Action Type	Text Description
Migrated Emission/Discharge Change (Install/Modify)	NA
Migrated Data (Direct)	NA

Final Order Number: No Data

Supplemental Environmental Projects:

Categories	Description
No Data Records Returned	

For more information about this case, [Click here](#), if you have enforcement sensitive access.
[Click here](#), to find out about obtaining enforcement sensitive access (available to EPA employees and contractors).
[Click here](#), for a Detailed Facility Information.

This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: ICIS: 07/12/2013

Version 12/03/08

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**U.S. Environmental Protection Agency
REGION I - NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912**

DATE: July 15, 2013

RE: *In the matter of the City of Attleboro, Massachusetts* -- Letter to Prenegotiate a Clean Water Act Civil Penalty

ROUTING TO:

	Name	Initials	Date
1.	Joanna Jerison (OES04-02)		
2.			

CC's TO:

Kenneth Rota (OES04-04)
Neil Handler (OES04-04)
Denny Dart (OES04-04)
Edie Goldman (OES04-03)

REMARKS:

Pre-negotiation letter for unauthorized discharges of untreated wastewater from the City of Attleboro's Water Treatment Facility to Orrs Pond.

FROM:

Name	Phone Number
Tonia Bandrowicz OES04-3	8-1734
PLEASE RETURN TO TONIA FOR MAILING	

File: Attleboro Public Notice

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: April 17, 2014

Public Notice Number: PN2014 - 0002

Comment Period: April 18, 2014 – May 19, 2014

Action: Notice of Proposed Amended Assessment of Class II Clean Water Act Section 309(g) Administrative Penalty and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Pursuant to 40 C.F.R. Part 19 (Adjustments of Civil Penalties for Inflation) promulgated pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, in a Class II proceeding under Section 309(g), the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring after January 12, 2009 through December 6, 2013, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$177,500; and for violations occurring after December 6, 2013, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$187,500. Class II proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," at 40 C.F.R. Part 22 ("Part 22").

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline

for submitting public comment on a proposed Class II penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 309(g), EPA is providing public notice of the following proposed amended Class II administrative penalty assessment:

Name and Mailing Address of Respondent: City of Attleboro, Massachusetts

Name and Address of Facility Addressed: Russell F. Tennant Water Treatment Facility
located at 1296 West Street, Attleboro, Massachusetts

Description of Business or Activity Conducted by the Respondent: Municipal
Drinking Water Facility

Description of Violation(s): Discharging storm water mixed with untreated supernatant containing pollutants, such as aluminum, through point sources into Orr's Pond, a navigable water of the United States, without authorization of an NPDES permit issued pursuant to Section 402 of the Clean Water Act, in violation of Section 301(a) of the Clean Water Act.

Proposed penalty: \$32,000

Name of case: In the Matter of City of Attleboro, Massachusetts

Docket numbers: Docket No. CWA-01-2013-0033

Date Consent Agreement and Final Order Lodged with Regional Hearing Clerk:
April 14, 2014

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, Regional Hearing Clerk, U.S. EPA, Region I, 5 Post Office Square, Suite 100
Boston, MA 02109-3912, (617) 918-1113.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the

proceeding is located in the EPA Regional Office at One Congress Street, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA Section 309(g)(2)(B) proceeding which is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until 10 days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b).



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND REGION
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

Prepared for Settlement Purposes

The Honorable Kevin Dumas,
Mayor of Attleboro
City Hall
77 Park Street
Attleboro, MA 02703

Re: Attleboro, MA Drinking Water Treatment Facility Discharges to Orr's Pond

Dear Mayor Dumas:

I am writing to formally notify you of the U.S. Environmental Protection Agency's ("EPA") intent to file an administrative penalty action against the City of Attleboro, Massachusetts, under the Clean Water Act (the "Act"), 33 U.S.C. § 1251 *et seq.*, for alleged violations stemming from the City's discharge of wastewater from the Russell F. Tennant Water Treatment Facility located at 1296 West Street (the "Facility") to Orr's Pond without authorization of a National Pollutant Discharge Elimination System ("NPDES") permit issued under section 402 of the Act, and to offer the City the opportunity to pre-negotiate a resolution of this matter prior to EPA's filing of an administrative penalty complaint.

As you may be aware EPA inspected the Facility on May 7, 2013, and discovered that a fire hose connected to one of the water treatment basins was discharging wastewater directly to a storm drain system. From there, the inspectors determined that the wastewater went to a storm water retention pond, and then, through a pipe in the retention pond, to Orr's Pond, a local water body and the City's drinking water supply. The discharged wastewater contained aluminum, among other pollutants.

Based on the EPA inspection and information obtained from Facility personnel on May 7th, EPA has determined that the City is in violation of section 301(a) of the Act for the discharge of wastewater to Orr's Pond. Accordingly, EPA is prepared to file an administrative penalty complaint under section 309(g) of the Act, 33 U.S.C. § 1319(g). Under section 309(g) of the Act, as amended by the Debt Collection Improvement Act of 1996 and regulations promulgated thereunder at 40 C.F.R. Part 19 (Adjustment of Civil Monetary Penalties for Inflation), the City is subject to civil penalties of up to \$16,000 per day per violation up to a maximum penalty of \$177,500.

Prior to filing such an action, we are offering the City the opportunity to meet with EPA representatives to discuss the possibility of expeditiously resolving this matter so that a settlement can be filed simultaneously with the complaint, thereby saving both the City and EPA the time and expense of protracted litigation. If the City is interested in pursuing a pre-filing negotiation of this matter, please let EPA's legal counsel in this matter, Tonia Bandrowicz, know within 14 days of your receipt of this letter. She can be reached at the following address and phone number:

Tonia Bandrowicz
Senior Enforcement Attorney
U.S. Environmental Protection Agency
New England Region
5 Post Office Square, Suite 100
Mail Code OES 04-3
Boston, MA 02109-3912
617-918-1734 (p)
617-918-0734 (f)
bandrowicz.toni@epa.gov

This is an opportunity to address EPA's concerns expeditiously, and avoid a more formal enforcement process. We want to be clear that resolution of this matter will require payment of a civil penalty for past violations. Given the nature of the violations, we fully expect that this matter can be resolved within 60 days of the date of this letter. If the matter cannot be resolved expeditiously, then EPA may choose to file an administrative complaint and proceed formally.

Regardless of whether the City is interested in pre-negotiating this matter, EPA requests that the City and EPA meet as soon as possible to discuss what actions the City intends to take in the future regarding discharges from the water treatment basins, including whether the Facility intends to send such discharges to the City's wastewater treatment plant or seek coverage under an NPDES permit. Both EPA's legal counsel and technical staff, including EPA attorney Tonia Bandrowicz and inspector Ken Rota, would be present at such a meeting.

To set up a meeting, or if you have any questions concerning this letter, please contact, or have your legal counsel contact, Tonia Bandrowicz at the above phone number.

Sincerely,

Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
EPA Region 1

cc:

Tonia Bandrowicz, Senior Enforcement Counsel, Region 1, EPA
Ken Rota, Environmental Compliance and Enforcement Officer, Region 1, EPA
Christine Millhouse, Attleboro Water Department Superintendent

Standard Form to Specify Office of Regulatory Enforcement
Involvement in Cases

Case name: In the matter of the City of Attleboro, Massachusetts; Docket No. CWA-01-2013-0033

Location of facility: City Attleboro, State MA Region 1

Forum (check one):

ALJ (or other presiding officer) X

EAB

District or Circuit Court

(specify District/Circuit:)

Status of case (check all that apply):

Prefiling, in development X

Filed and pending

Filed and stayed

Filed and active

Dispositive pleadings imminent

Trial or hearing imminent

Settlement negotiations ongoing

Primary violations (narrative or listing of sections):

1) Discharging process water containing pollutants into navigable waters of the United States without authorization in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Nationally significant issue(s): N/A

Regional legal and program contacts (names, phone and FAX #s):

Legal: Tonia Bandrowicz; (617) 918-1734; fax (617) 918-0734

Program: Kenneth Rota; (617) 918-1751; fax (617) 918-0751

Nature of Office of Regulatory Enforcement involvement/assistance requested by Region: N/A

Signature:

Tonia Bandrowicz

Appropriate Regional Manager

6/20/13

Date Signed

Concur:

Appropriate ORE Manager

Date Signed



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND REGION
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

June 3, 2014

Karis L. North, Esq.
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive
Quincy, MA 02169

Re: In the Matter of Attleboro, MA, Docket No. CWA 01-2013-0033

Dear Karis:

Attached please find the fully executed Consent Agreement and Final Order that was signed by the Regional Judicial Officer on May 29, 2014 and that I filed with the Regional Hearing Clerk today. The agreement becomes effective thirty (30) days after signature by the Regional Judicial Officer, or on June 30, 2014 (given that June 28 falls on a Saturday).

Should you have any questions, please feel free to contact me.

Thank you again for your assistance in resolving this matter.

Sincerely,

Tonia Bandrowicz,
Sr. Enf. Counsel
Office of Environmental Stewardship
EPA Region 1

cc by LAN:

Neil Handler, EPA
Ken Rota, EPA



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Detailed Facility Report


[Report Error](#)
[Data Dictionary](#)

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US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Gray text in this report indicates information that is not required to be reported to EPA. These data, typically regarding non-major or smaller facilities, are often incomplete.

Facility Permits and Identifiers

[Data Dictionary](#)

Statute	System	Source ID	Facility Name	Street Address	City	State	Zip
	FRS	110000552651	ATTLEBORO WASTEWATER TREATMENT FACILITY	106 POND STREET 2	ATTLEBORO	MA	02703
CAA	AFS	2512000003	ATTLEBORO WATER POLLUTION CONTROL FAC	POND STREET	ATTLEBORO	MA	02703
CWA	ICP	MARNEC772	ATTLEBORO WATER POLLUTION CONTROL FACILITY	106 POND STREET	SEEKONK	MA	02771
CWA	ICP	MA0100595	ATTLEBORO WPCF	27 POND STREET NORTH FACILITY	ATTLEBORO	MA	02703
CAA	NEI	NEIMA0050003	ATTLEBORO WATER POLLUTION CONTROL FAC			MA	02703
RCRA	RCR	MAC300006426	ATTLEBORO WATER POLLUTION CONTROL	1 POND ST N	ATTLEBORO	MA	02703

Facility Characteristics

[Data Dictionary](#)

Statute	Source ID	Universe	Status	Areas	Permit Expiration Date	Latitude/Longitude	Indian Country?	SIC Codes	NAICS Codes
	110000552651					LRT: 41.898891, -71.337683	No		
CAA	2512000003	Minor (Not Fed. Rep.)	Operating	SIP, NSPS			NA	9511	924110
CWA	MARNEC772	Minor; General Permit Covered Facility	Pending; Compliance Tracking Off			41.896667, -71.326111	No		
CWA	MA0100595	Major; NPDES Individual Permit	Effective		09/30/2013	41.897500, -71.336944	No	4952	
RCRA	MAC300006426	CESQG	Active (H S)				No		22132

If the CWA permit is past its expiration date, this normally means that the permitting authority has not yet issued a new permit. In these situations, the expired permit is normally administratively extended and kept in effect until the new permit is issued.

For the RCRA program, activities that contribute to an overall facility status of Active are displayed in parentheses using the acronym HPACS, where H indicates handler activities, P - permitting, A - corrective action, C - converter, and S - state-specific. More information is available in the Data Dictionary.

Inspection and Enforcement Summary Data

[Data Dictionary](#)

Statute	Source ID	Insp. Last 05Yrs	Date of Last Inspection	Formal Enf Act Last 05 Yrs	Penalties Last 05 Yrs
CAA	2512000003	0	01/31/1991	0	\$00
CWA	MARNEC772	2	05/14/2009	0	\$00
CWA	MA0100595	6	06/27/2012	1	\$00
RCRA	MAC300006426	0	Never	0	\$00

Compliance Monitoring History (05 years)

[Data Dictionary](#)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA / §311	1000007261	ICIS	Evaluation	EPA	06/19/2008	
CWA	MARNEC772	ICP	Evaluation (CEI); NPDES - Stormwater - Non-Construction	EPA	06/19/2008	
CWA	MARNEC772	ICP	Evaluation (CEI); NPDES - Stormwater - Non-Construction	EPA	05/14/2009	
CWA	MA0100595	ICP	Evaluation (CEI); NPDES - Base Program	State	06/16/2008	
CWA	MA0100595	ICP	Evaluation (CEI); NPDES - Pretreatment	EPA	09/23/2008	
CWA	MA0100595	ICP	Evaluation (CEI); NPDES - Base Program	State	05/14/2009	
CWA	MA0100595	ICP	Reconnaissance with Sampling (RWS); NPDES - Base Program	State	06/24/2010	
CWA	MA0100595	ICP	Evaluation (CEI); NPDES - Base Program	State	06/28/2011	
CWA	MA0100595	ICP	Evaluation (CEI); NPDES - Base Program	State	06/27/2012	

Entries in *italics* are not considered inspections in official counts.

Compliance Summary Data

[Data Dictionary](#)

Information on the nature of [alleged violations](#) is available on the FAQ page.

Statute	Source ID	Current SNC/HPV?	Description	Current As Of	Qtrs in NC (of 12)
CAA	2512000003	N/A		07/13/2013	
CWA	MARNEC772	N/A		Jan-Mar13	
CWA	MA0100595	NO		Jan-Mar13	6
RCRA	MAC300006426	No		07/09/2013	0

Three Year Compliance Status by Quarter

[Data Dictionary](#)

Violations shown in a given quarter do not necessarily span the entire 3 months. Information on the nature of [alleged violations](#) is available on the FAQ page, and information on the duration of non-compliance is available at the end of this report.

AIR Compliance Status												
Statute:Source ID	QTR1 Jul-Sep10	QTR2 Oct-Dec10	QTR3 Jan-Mar11	QTR4 Apr-Jun11	QTR5 Jul-Sep11	QTR6 Oct-Dec11	QTR7 Jan-Mar12	QTR8 Apr-Jun12	QTR9 Jul-Sep12	QTR10 Oct-Dec12	QTR11 Jan-Mar13	QTR12 Apr-Jun13
CAA: 2512000003												
HPV History												
Program/Pollutant in Current Violation												
SIP												
NSPS												

High Priority Violator (HPV) History section: "Unaddr" means the facility has not yet been addressed with a formal enforcement action. "Addr" means the facility has been addressed with a formal enforcement action, but its violations have not been resolved. Lead Agency designated can be US EPA, State, Both, or No Lead Determined. If HPV History is blank, then the facility was not a High Priority Violator. V=Violation; S=Compliance Schedule.

CWA/NPDES Compliance Status

Statute:Source ID		QTR1	QTR2	QTR3	QTR4	QTR5	QTR6	QTR7	QTR8	QTR9	QTR10	QTR11	QTR12
CWA:MA0100595		Apr-Jun10	Jul-Sep10	Oct-Dec10	Jan-Mar11	Apr-Jun11	Jul-Sep11	Oct-Dec11	Jan-Mar12	Apr-Jun12	Jul-Sep12	Oct-Dec12	Jan-Mar13
Non-compliance in Quarter		Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes
SNC/RNC Status »		N(RptViol)		E(EffViol)	E(EffViol)	E(EffViol)	P(ResPend)	P(ResPend)	C(manual)	C(manual)	N(RptViol)	P(ResPend)	P(ResPend)
Effluent Violations by NPDES Parameter:													
View effluent charts for all parameters: Only Charts with Violations All Charts Custom Output (or click on parameter names below for individual parameter charts)													
Discharge point:001													
Aluminum, total recoverable	Mthly			14%		17%							
Coliform, fecal general	NMth							4%					
Copper, total recoverable	NMth					22%		17%					
Cyanide, total recoverable	Mthly						127%						
	NMth						131%						
CBOD5/NH3-N	NMth	162%											
Nitrogen, ammonia total (as N)	NMth		96%										
Nitrogen, total	Mthly	119%		12%									
Phosphorus, total (as P)	Mthly									100%			
Solids, total suspended	NMth	109%											
Permit Schedule Violations:													
Schedule Event achieved late but reported ; Pretreatment Performance Summary Report													02/15/13

Effluent Violations are displayed as highest percentage by which the permit limit was exceeded for the quarter **Bold, largeprint** indicates Significant Non-compliance (SNC) effluent violations. Shaded boxes indicate unresolved SNC violations.

RCRA Compliance Status													
Statute:Source ID		QTR1	QTR2	QTR3	QTR4	QTR5	QTR6	QTR7	QTR8	QTR9	QTR10	QTR11	QTR12
RCRA: MAC300006426		Oct-Dec10	Jan-Mar11	Apr-Jun11	Jul-Sep11	Oct-Dec11	Jan-Mar12	Apr-Jun12	Jul-Sep12	Oct-Dec12	Jan-Mar13	Apr-Jun13	Jul-Sep13
Facility Level Status													
Type of Violation	Agency												

The first date displayed for a RCRA Violation corresponds to the violation determination date, and the next to the resolution date (if the violation has been resolved).

Notices of Violation or Informal Enforcement - AFS, PCS, ICIS-NPDES, RCRAInfo (05 year history)

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date
- No data records returned.				

Formal Enforcement Actions - (05 year history)

AFS, PCS, RCRAInfo, NCDB

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
- No data records returned.						

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

ICIS



[Data Dictionary](#)

Primary Law/Section	Case Number	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
CWA / §301/402	01-2010-2011	Administrative - Formal	EPA	ATTLEBORO WPCF	06/21/2010	06/21/2010				\$500,000

Federal enforcement actions and penalties shown in this section are from the Integrated Compliance Information System (ICIS-FE&C). These actions may duplicate records in the Formal Enforcement Actions section.

Environmental Conditions

[Data Dictionary](#)

Permit ID	Watershed	Watershed Name	Receiving Waters	Impaired Waters?	Combined Sewer System?
MARNEC772				TMDL	No
MA0100595		010900040230	Narragansett, Mass., R.I.	TEN MILE RIVER	303(d) Listed

TRI History of Reported Chemicals Released in Pounds per Year at Site:

[Data Dictionary](#)

Year /	Total Air Emissions	Surface Water Discharges	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers	Total Releases and Transfers
- No data records returned.							

TRI Total Releases and Transfers by Chemical and Year

- No data records returned.

Demographic Profile of Surrounding Area (3 Miles)

[Data Dictionary](#)

Open more detailed information in a new window (links leave OTIS): [1 Mi](#) [3 Mi](#) or [5 Mi](#).

This section provides demographic information regarding the community surrounding the facility. OTIS compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2000 US Census data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA [Locational Reference Table\(LRT\)](#) when available.

Radius of Area:	3 Miles	Land Area:	97.38%	Households in area:	32,609
Center Latitude:	41.897500	Water Area:	2.62%	Housing units in area:	34,282
Center Longitude:	-71.336944	Population Density:	2966.25/sq. mi.	Households On Public Assistance:	1,760
Total Persons:	81,661	Percent Minority:	20.89%	Persons Below Poverty Level:	10,466

Race Breakdown	Persons (%)	Age Breakdown:	Persons (%)
White:	69,273 (84.83%)	Child 5 years and less:	6,405 (7.84%)
African-american:	3,051 (3.74%)	Minors 17 years and younger:	20,143 (24.67%)
Hispanic-Origin:	10,664 (13.06%)	Adults 18 years and older:	61,517 (75.33%)
Asian/Pacific Islander:	726 (0.89%)	Seniors 65 years and older:	12,067 (14.78%)
American Indian:	218 (0.27%)		
Other/Multiracial:	5,956 (7.29%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown:	Households (%)
Less than 9th grade:	6,258 (12.40%)	Less than \$15,000:	6,721 (20.61%)

9th-12th grades:	9,863 (19.55%)	\$15,000-\$25,000:	4,751 (14.57%)
High School Diploma:	17,232 (34.16%)	\$25,000-\$50,000:	9,681 (29.69%)
Some College/2-yr:	9,041 (17.92%)	\$50,000-\$75,000:	6,343 (19.45%)
B.S./B.A. or more:	8,057 (15.97%)	Greater than \$75,000:	5,161 (15.83%)

Notice About Duration of Violations — The duration of violations shown on this report is an estimate of the actual duration of the violations that might be alleged or later determined in a legal proceeding. For example, the start date of the violation as shown in the ECHO database is normally when the government first became aware of the violation, not the first date that the violation occurred, and the facility may have corrected the violation before the end date shown. In some situations, violations may have been corrected by the facility, but EPA or the State has not verified the correction of these violations. In other situations, EPA does not remove the violation flag until an enforcement action has been resolved.



This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: AFS: 07/13/2013. RCRAInfo: 07/09/2013. FRS: 07/15/2013. ICIS: 07/12/2013.

Some regulated facilities have expressed an interest in explaining data shown in the Detailed Facility Reports in ECHO. Please check company web sites for such explanations.



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Last updated on August 13th, 2013

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Inbox (80)



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RE: Case Screening: City of Attleboro, MA

Mari, Arthur

Sent: Thursday, August 15, 2013 2:49 PM

To: Fillebrown, Joanne

One more time☺

The City of Attleboro has been identified as a PRP at the Beede Waste Oil site in Plaistow NH.

Arthur

From: Fillebrown, Joanne

Sent: Thursday, August 15, 2013 2:16 PM

To: O'Donnell, Mary Jane; Canzano, Joseph; Mari, Arthur

Cc: Fillebrown, Joanne

Subject: FW: Case Screening: City of Attleboro, MA

Good Afternoon! Would you please check to see if you have any information to report for the City of Attleboro, MA. Thank you. - Joanne

From: Fillebrown, Joanne

Sent: Tuesday, August 13, 2013 11:14 AM

To: Arsenault, Dan; Barry, Christine; Beland, Andrea; Canzano, Joseph; Caterino, Cosmo; Chow, James; Fenn, Anne; Hayes, Sharon; Kilbride, Carol; Leonard, Denise; Mari, Arthur; Novick, Steve; O'Donnell, Mary Jane; Papetti, Lisa; Peavey, Dwight; Rapp, Steve; Rota, Ken; Sansevero, Christine; Toscano, Rosina; Young, Catherine

Cc: Harding, George

Subject: Case Screening: City of Attleboro, MA

Good Morning!

Would you please check your program files for any inspection and/or enforcement information and respond by COB, Thursday, August 15. This facility is being screened in anticipation of CWA action.

Thank you,
Joanne

City of Attleboro
Massachusetts

Connected to Microsoft Exchange



City of Attleboro, Massachusetts

Water Department
1296 West Street
Attleboro, MA 02703
(774) 203 - 1850

Christine Millhouse
Water Superintendent

June 20, 2014

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

RE: In the Matter of Attleboro, Massachusetts Docket No. CWA 01-2013-0033

To Whom It May Concern,

Enclosed is a check from the City of Attleboro MA in the amount of \$32,000 to fulfill the City requirements to pay an administrative civil penalty under the above referenced docket.

Please contact the City if there are any further requirements.

Regards,

Christine Millhouse

Christine Millhouse
Superintendent

cc. Wanda Santiago, Regional Hearing Clerk, USEPA Region I
Tonia Bandrowicz, Senior Enforcement Counsel, USEPA Region 1
Mayor Kevin Dumas, City of Attleboro
Robert Mangiaratti, City Solicitor

CITY OF ATTLEBORO, MASSACHUSETTS

OFFICE OF THE CITY TREASURER
ATTLEBORO, MASSACHUSETTS 02703

CHECK NO.

407365

407365

BANK OF AMERICA
ACH R/T 011000138

53-13/110 MA
29858

VENDOR

276220

CHECK DATE

06/20/2014

CHECK AMOUNT

\$32,000.00

*****32,000 DOLLARS AND NO CENTS

PAY

TO THE
ORDER

TREASURER UNITED STATES OF AMERICA

VOID IF NOT CASHED
WITHIN ONE YEAR FROM DATE OF ISSUE

Ethel M. Sandbach

CITY TREASURER, ETHEL M. SANDBACH

MP
6

⑈407365⑈ ⑆011000138⑆ 004605293072⑈

CITY OF ATTLEBORO, MASSACHUSETTS

407365
14C227

INVOICE DATE	INVOICE NUMBER	INVOICE DESCRIPTION	NET INVOICE AMOUNT	PO NO.	VOUCHER
06/01/14	CWA-01-2013-033	MATTER OF ATTLEBORO, CIT	32,000.00	2404234	343251
		n the Matter of Attleboro, Massachuestts Docket No. CWA 01-2013-0033			

276220 TREASURER UNITED STATES OF AMERICA

32,000.00

407365



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

May 29, 2014

LeAnn Jenson,
Regional Judicial Officer
U.S. EPA - Region I
5 Post Office Square, Suite 100
Mail Code ORA 18-1
Boston, MA 02109-3912

Re: In the Matter of City of Attleboro, Massachusetts
Docket No. Docket No. CWA-01-2013-0033


Dear Ms. Jenson:

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2), enclosed please find a Consent Agreement and Final Order that will simultaneously commence and settle the above-referenced action brought under the Clean Water Act. The Consent Agreement has been signed by the parties and public noticed as required by 40 C.F.R. § 22.45. As no public comments were received, the document is now being submitted for approval and issuance of the Final Order.

The settlement penalty in this matter is consistent with EPA's Clean Water Act civil penalty policy which is based on the statutory penalty factors set forth in Section 309(g)(3) of the Clean Water Act, 33 U.S.C. § 1319(g)(3).

If the Consent Agreement and Final Order is approved, EPA will file the fully executed document with the Regional Hearing Clerk thereby resolving this matter.

Respectfully submitted,


Tonia Bandrowicz
Counsel for Complainant
U.S. EPA

cc: Karis North, Murphy, Hesse, Toomey & Lehane, LLP

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Letter to the Regional Judicial Officer has been sent to the following persons in the manner and on the date specified below.

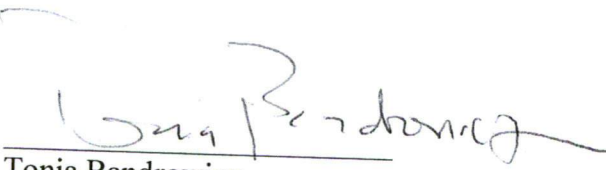
Original and one copy,
hand-delivered:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by Certified Mail,
Return Receipt Requested,
with copy of 40 C.F.R. Part 22:

Karis L. North, Esq.
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive
Quincy, MA 02169

Dated: 5/29/14


Tonia Bandrowicz
Senior Enforcement Counsel
U.S. EPA, Region I (OES 04-03)
5 Post Office Square, Suite 100
Boston, MA 02114-2023